

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 446 OF 2005

The State of Maharashtra & Anr.

...Petitioners

VERSUS

Vinayak N. Kocharekar

...Respondent

Mr. R.S. Patne, Assistant Government Pleader,
for the Petitioners

None for the Respondent.

**CORAM: DALVEER BHANDARI, C.J., &
S. A. BOBDE, J.
DATE: FEBRUARY 4, 2005.**

P.C.:

The respondent joined on 15th April, 1968 as Police
Constable, Armed Police Force. He was transferred on 1st July,

1974 to the Unarmed Police Force by the original respondent Nos. 2 and 3. He was promoted as Head Constable (Unarmed) on 1st June, 1993. He was transferred on 14th June, 1996 to the Armed Police Force, and on 28th April, 2000, he was transferred to Malad Police Station. Again, he was transferred to the Armed Police Force on 17th July, 2000, and since then, he has been working there.

According to the clear finding of the Maharashtra Administrative Tribunal, the present respondent never conveyed his willingness for the same. The original respondents stated that 57 constables, who were junior to the original applicant, were promoted earlier because they had continued in the Armed Police Cadre throughout. In the absence of any material to show that the original applicant had willingly gone to the Unarmed Police, the Tribunal was unable to hold that because of his transfer to Unarmed Police, he was not entitled to promotion. The finding arrived at by

the Tribunal seems to be correct. No interference with the impugned order passed by the Tribunal is called for.

This petition, being devoid of any merits, is accordingly dismissed.

CHIEF JUSTICE

S. A. BOBDE, J.